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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, April 10, 2019
86th Legislature, Number 43
The House convenes at 10 a.m.
Part One

Seventeen bills are on the Major State Calendar, one joint resolution is on the Constitutional Amendments Calendar, and 23 bills are on the General State Calendar for second reading consideration today. The bills and joint resolutions analyzed or digested in Part One of today's *Daily Floor Report* are listed on the following page.



Dwayne Bohac
Chairman
86(R) - 43

HOUSE RESEARCH ORGANIZATION

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Wednesday, April 10, 2019

86th Legislature, Number 43

Part 1

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SUBJECT: Studying, planning for debris removal following a disaster

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 8 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang
0 nays
1 absent — Tinderholt

WITNESSES: For — (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Priscilla Camacho, Dallas Regional Chamber; Trent Townsend, DRC Emergency Services; Tom Oney, Lower Colorado River Authority; Joel Romo, Nueces County; Russell Schaffner, Tarrant County; Aurora Flores, Texas Association of Counties; Pete Winckler, Texas Community Association Advocates; Gabriela Villareal, Texas Conference of Urban Counties; Kay Roach, Town of Woodsboro, Refugio County Texas; Augustus Campbell, West Houston Association)

Against — None

On — (*Registered, but did not testify*: Nim Kidd, Texas Division of Emergency Management and the Texas Emergency Management Council)

DIGEST: CSHB 5 would require the development of a debris management plan, create a model contract for debris removal services, and establish groups to study debris removal and other disaster recovery efforts.

Catastrophic debris management plan. The Texas Division of Emergency Management (TDEM) would be required to develop a catastrophic debris management plan and model guide for political subdivisions to use in the event of a disaster. The plan would:

- provide a guide for clearing and disposing of debris, including information on preparing for debris removal before a disaster;
- include provisions for the use of trench burners and air curtain

incinerators of vegetative debris, including sources of equipment for use immediately following a disaster;

- include procedures for vegetative debris burning, including the role of the Texas Department of Transportation in debris removal; and
- include procedures for the coordination of debris clearance and disposal, obtaining necessary equipment immediately following a disaster, and the interaction between political subdivisions and state and federal agencies.

TDEM would have to develop the plan and model guide by January 1, 2020, in consultation with selected state agencies.

The Texas A&M Engineering Extension Service would have to establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

Contracting for debris removal. TDEM, in consultation with the Federal Emergency Management Agency, would have to develop and publish a model contract for debris removal services for political subdivisions to use following a disaster.

TDEM would have to consult with the comptroller to establish appropriate contracting standards and contractor requirements for the model contract and include a contract for debris removal services on the schedule of multiple award contracts developed under state law or in another cooperative purchasing program administered by the comptroller.

Wet debris study group. CSHB 5 would establish a study group to study issues related to removal of wet debris, including best practices for clearing wet debris following a disaster and determining responsibility for that removal.

The wet debris study group would be chaired by the TDEM chief and composed of representatives of TDEM, selected state agencies, and local and federal governmental entities.

A report with recommendations on the studied issues would have to be submitted to the Legislature by November 1, 2020. The study group

would be abolished on January 1, 2021.

Work group on local restrictions and disaster recovery efforts. The bill would establish a work group to study local restrictions that impede disaster recovery efforts, including efforts to remove debris and erect short-term housing.

The study would include an overview of and recommendations for minimizing the effects of official actions by governing bodies of political subdivisions and requirements imposed by deed restrictions or property owners' associations that impede state and federal disaster recovery efforts.

The work group would be chaired by the TDEM chief and composed of representatives of TDEM, selected state agencies, and local governmental entities.

The group would report results of the study to the Legislature by November 1, 2020. The work group would be abolished on January 1, 2021.

Effective date. The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSHB 5 would address the debris management challenges that state and local governmental entities faced during the Hurricane Harvey recovery process. Massive quantities of debris piled up in front of houses after the storm, posing health and safety risks, and in some areas debris removal continued a year after the storm. This bill is necessary to ensure that local jurisdictions are better prepared to respond to and recover from future natural disasters.

Catastrophic debris management plan. Having a developed catastrophic debris management plan to be used by local jurisdictions following a disaster would better position them to respond more quickly and would simplify the Federal Emergency Management Agency (FEMA) reimbursement process. Some jurisdictions had problems with logistics of pickup and disposal, the availability of necessary equipment, and interactions with state and federal agencies. The bill would ensure that

lessons learned from the storm were documented and a plan was created to be implemented in future disasters.

Contracting for debris removal. By creating a model contract that incorporated essential requirements for local jurisdictions to use in contracting for services in response to a disaster, the bill would solve problems local jurisdictions had with contracting with haulers for debris removal and contractors not honoring contracts.

Wet debris study group. The bill would provide for a necessary study of the complex issue of wet debris removal. Responsibility for removing the debris depends on its location, whether near tidal influenced water, rivers and waterways, or other bodies of water. Multiple agencies and jurisdictions have responsibilities for these waters, making identifying the responsible party and applicable law difficult.

Work group on local restrictions and disaster recovery efforts. Given the experiences of homeowners and state and federal agencies, it is necessary to study and recommend ways to resolve the effects local restrictions have on disaster recovery efforts. Some homeowners had difficulty with debris removal, and FEMA and the General Land Office were prevented from locating short-term housing due to homeowners' associations (HOA) regulations, impeding recovery efforts. The work group would recommend ways to mitigate these challenges by considering input from all appropriate stakeholders. The bill would not preclude group members from soliciting input from private associations, including HOAs.

OPPONENTS
SAY:

CSHB 5 would not align with recommendations from the Governor's Commission to Rebuild Texas that private associations be included as members of the work group studying local restrictions and disaster recovery efforts. This could leave out important input from affected parties, including HOAs.

SUBJECT: Creating a task force to assist with long-term disaster recovery efforts

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt
0 nays

WITNESSES: For — Burt Mills, Aransas County; Patrick Rios, City of Rockport; William A. DiLibero, City of Port Lavaca; Kendrick Jimmy, Town of Fulton; Kay Roach, Town of Woodsboro, Refugio County; Ben Zeller, Victoria County; Jeff Bauknight; (*Registered, but did not testify*: Tammy Embrey, City of Corpus Christi; Jamaal Smith, City of Houston Mayor's Office; Fatima Mann, Community Advocacy and Healing Project; Jim Allison, County Judges and Commissioners Association of Texas; Daryl Fowler, DeWitt County; Priscilla Camacho, Dallas Regional Chamber; Trent Townsend, DRC Emergency Services; Joel Romo, Nueces County; Russell Schaffner, Tarrant County; Aurora Flores, Texas Association of Counties; Michael Barba, Texas Catholic Conference of Bishops; Gabriela Villareal, Texas Conference of Urban Counties; Mike Wisko, Texas Fire Chiefs Association; Julia Parenteau, Texas Realtors; Perry Fowler, Texas Water Infrastructure Network; Augustus Campbell, West Houston Association)

Against — None

On — Nim Kidd, Texas Division of Emergency Management and the Texas Emergency Management Council; (*Registered, but did not testify*: Heather Lagrond, Texas General Land Office)

DIGEST: CSHB 6 would require the Texas Division of Emergency Management (TDEM) to develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters. The task force would provide specialized assistance for communities and individuals to address financial issues, available federal assistance

programs, and recovery and resiliency planning to speed recovery efforts at the local level.

The task force would develop procedures for preparing and issuing a report listing each disaster-related project that qualified for federal assistance. A report would be submitted to appropriate federal agencies as soon as practicable after a disaster.

The task force could include and use the resources of any appropriate state agencies, including institutions of higher education, and organized volunteer groups.

Each quarter, the task force would brief the Legislature, legislative staff, and state agency personnel on the response and recovery efforts for previous disasters and any preparation or planning for potential future hazards, threats, or disasters.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

Based on recommendations from the Governor's Commission to Rebuild Texas, CSHB 6 would help local communities better respond to future disasters by supporting more effective coordination between state and local governments during disaster recovery. In assessing response efforts to Hurricane Harvey, the commission identified recovery as the weakest phase of the emergency management cycle. Chaotic state efforts to address local communities' urgent needs were complicated by a lack of available state and federal agency experts. CSHB 6 would create a disaster recovery task force to work with local governments, supporting bottom-up, locally led, long-term disaster recovery efforts.

The disaster recovery task force proposed by the bill would strengthen recovery functions while utilizing existing state resources. The task force would identify a pool of experts with the knowledge and contacts to provide specialized assistance for communities and individuals for financial issues, federal assistance programs, and recovery and resiliency programs to speed recovery at the local level after a disaster. This is particularly important for rural communities that lack the resources, funding, and manpower to sustain long-term recovery efforts. A

predesignated group of experts would help the response and early recovery efforts function more efficiently and less stressfully. The bill also would support a more well rounded plan to communicate about disasters and hazard threats to stakeholders by providing for quarterly briefings.

The bill also would ensure that efforts to pursue federal funding for disaster-related projects were continued after any future disaster. In response to Hurricane Harvey, Texas sent a report to the federal government identifying projects that needed federal funding to restore destroyed infrastructure. This report helped signal to local jurisdictions that the state was taking project requests seriously and identified priority projects to donors.

**OPPONENTS
SAY:**

No concerns identified.

NOTES:

According to the Legislative Budget Board, CSHB 6 would result in a negative impact of \$10.4 million to general revenue related funds through the biennium ending August 31, 2021.

TDEM provided an exceptional item request for the disaster recovery task force, and the \$10.4 million in funding was placed in Art. 11 of the House-passed version of HB 1 by Zerwas, the general appropriations act.

SUBJECT: Creating the Flood Infrastructure Fund, appropriating funds

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 10 ayes — Larson, Metcalf, Dominguez, Farrar, Harris, T. King, Lang,
Nevárez, Oliverson, Ramos

0 nays

1 absent — Price

WITNESSES: None

BACKGROUND: Water Code sec. 15.405 allows the Texas Water Development Board to enter into contracts with political subdivisions to develop flood control plans.

DIGEST: CSHB 13, the enabling legislation for HJR 4 by Phelan, would create and regulate the Flood Infrastructure Fund, establish certain flood planning procedures, and make an appropriation.

Flood infrastructure fund. The bill would create the Flood Infrastructure Fund as a special fund in the state treasury outside the general revenue fund. The fund would consist of legislative appropriations, proceeds from general obligation bonds, fees, repayments of loans, earned interest, and certain other funds.

CSHB 13 would allow the Texas Water Development Board (TWDB) to use the fund only:

- to make a loan to an eligible political subdivision at or below market interest rates for a flood project;
- to make a grant or a low or zero interest loan to an eligible political subdivision for a flood project outside a metropolitan area or in an economically distressed area;
- to make a loan at or below market interest rates for planning and design costs, permitting costs, and other costs associated with state

- or federal regulatory authorities with respect to a flood project;
- as a source of revenue or security for the principal and interest on bonds; and
- to pay necessary and reasonable expenses of fund administration.

An eligible political subdivision would include a district or authority created under certain provisions of the Texas Constitution, a city, or a county.

Applications for financial assistance. An eligible political subdivision applying for financial assistance for a proposed flood project would have to demonstrate:

- cooperation with other political subdivisions to address flood control needs in the area;
- participation in the process of developing the project from all other affected political subdivisions;
- that public meetings were held on the proposed projects; and
- the technical requirements for the projects were completed and compared against other potential flood projects.

The application would have to include an analysis of whether the proposed flood project could use floodwater capture techniques for water supply purposes, including floodwater harvesting, detention or retention basins, or other methods of capturing storm or unappropriated flood flow.

On review and recommendation by the executive administrator, TWDB could approve an application that demonstrated a sufficient level of cooperation among eligible political subdivisions, included all affected political subdivisions, demonstrated sufficient taxes or other revenue to meet all obligations, and otherwise met requirements of this bill and board rules.

The bill would apply statutory regulations on public funding for water development to financial assistance from the infrastructure fund, except TWDB would be able to execute contracts as needed to evidence grant agreements.

TWDB rules and authority. TWDB would have to adopt rules to establish procedures for an application for financial assistance, for the investment of money, and for the administration of the infrastructure fund. The board could exercise any powers necessary to carry out this bill, including contracting ability.

CSHB 13 would allow the TWDB to sell or dispose of political subdivision bonds at the price and under the terms the board determined to be reasonable. TWDB could sell political subdivision bonds without making a previous offer to the political subdivision and without advertising, soliciting, or receiving bids for sale.

TWDB could sell bonds purchased with money from the infrastructure fund to the Texas Water Resources Finance Authority and, as part of a sales agreement, could contract to perform necessary functions to ensure the political subdivision paid the debt service on bonds.

The bill would require TWDB to act as a clearinghouse for information about state and federal flood planning, mitigation, and control programs that could serve as a source of funding for flood projects.

Liability. Participation in cooperative flood planning to obtain money from the infrastructure fund would not subject an eligible political subdivision to civil liability in regard to a flood project.

Flood control planning. The bill would define flood control planning, as used in Water Code sec. 15.405 for contracts with political subdivisions, as any work related to:

- planning for flood protection;
- preparing applications for and obtaining regulatory approval;
- administrative or legal proceedings by regulatory agencies; and
- preparing engineering plans for flood mitigation and drainage.

CSHB 13 would allow TWDB, when establishing criteria of eligibility for flood control planning money, to give greater importance to a county with a median household income at or below 85 percent of the state median.

State flood plan. The bill would require TWDB to prepare and adopt a comprehensive state flood plan incorporating the regional flood plans approved by the board no later than September 1, 2024, and every five years thereafter.

Dam repair and maintenance plan. The Texas State Soil and Water Conservation Board would have to prepare and adopt a plan describing the repair and maintenance needs of flood control dams every ten years.

River authority cooperation. A river authority, or a district created under the Texas Constitution as a regional water management entity providing water development and planning services to a river basin, could participate in cooperative flood planning to obtain money from the infrastructure fund. Cooperation activities could include providing administrative or technical support and the participation of a director, general manager, or other river authority staff in the planning process.

Appropriation. CSHB 13 would appropriate \$3.26 billion from the Economic Stabilization Fund to the Flood Infrastructure Fund. This appropriation would take effect only if the bill was approved by a vote of two-thirds of the membership of each house.

Effective date. The bill would take effect January 1, 2020, but only if the constitutional amendment proposed by this Legislature providing for the creation of the Flood Infrastructure Fund was approved by voters. If that amendment was not approved by voters, the bill would have no effect.

SUPPORTERS
SAY:

By creating the Flood Infrastructure Fund, CSHB 13 would establish regional planning and coordination on flood mitigation projects to better provide for vital infrastructure in the state. A significant funding source is necessary to ensure cooperation among regions and all affected stakeholders and to create a more resilient Texas.

The bill would provide disbursement oversight for the fund. A local government could only access funds if it had fully cooperated with other entities in the region, held public meetings to accept comments from stakeholders, and completely engineered projects and scored them against

one another.

Federal funds are available for flood projects after disastrous events, but counties and cities may not be able to put up the matching funds necessary to access that money. The infrastructure fund created by CSHB 13 would provide loans at or below market rates to assist local governments with basic flood project planning, grant applications, and the engineering of structural and nonstructural flood mitigation projects.

The appropriation made by CSHB 13 would be a one-time expense for necessary flood infrastructure and would be made appropriately through the Economic Stabilization Fund. Infrastructure needs in the state must be met to prepare for future flood events.

**OPPONENTS
SAY:**

While the Legislature should prepare flood planning measures, CSHB 13 would improperly use the Economic Stabilization Fund (ESF) for an appropriation to the Flood Infrastructure Fund. The ESF should be used only for disaster response or relief or for other one-time expenses. Because the infrastructure fund would be an ongoing state program, the money should come from general revenue.

NOTES:

CSHB 13 is the enabling legislation for HJR 4, which would amend the Texas Constitution to create the Flood Infrastructure Fund. HJR 4 is on the Constitutional Amendments Calendar for today.

The Legislative Budget Board estimates CSHB 13 would have a negative impact of \$50.4 million in general revenue related funds for the 2020-21 biennium.

The author plans to offer a floor amendment that would amend the provision authorizing a river authority to participate in cooperative flood control planning by removing the definition of a river authority.

SUBJECT: Notifying affected persons of certain releases of water from dams

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 8 ayes — Larson, Metcalf, Farrar, Harris, T. King, Lang, Price, Ramos
0 nays
3 absent — Dominguez, Nevárez, Oliverson

WITNESSES: For — Dean Robbins, Texas Water Conservation Association;
(*Registered, but did not testify*: Michael Booth, Booth, Ahrens & Werkenthin PC; Matt Phillips, Brazos River Authority; Aimee Bertrand, Harris County Commissioners Court; Tom Oney, Lower Colorado River Authority; Adrian Shelley, Public Citizen; James Montagne, Sabine River Authority; Julia Parenteau, Texas Realtors; Stacey Steinbach, Texas Water Conservation Association; Bill Kelberlau; Ronda McCauley)

Against — None

On — (*Registered, but did not testify*: Kelly Cook, Texas Commission on Environmental Quality)

BACKGROUND: Water Code sec. 12.052 requires the Texas Commission on Environmental Quality to make and enforce rules and orders and to perform all other necessary acts to provide for the safe construction, maintenance, repair, and removal of dams located in the state.

DIGEST: CSHB 26 would require the Texas Commission on Environmental Quality (TCEQ) to provide for the safe operation and emergency management of dams, in addition to TCEQ's existing responsibilities relating to dams.

The commission would require the owner or operator of a state-regulated dam with a gated spillway for flood regulation to notify local emergency operation centers in communities downstream of the dam when water was released for flood control, according to the TCEQ's emergency action plan guidelines.

Notified emergency operation centers would alert the public when a water release could contribute to flooding that might result in damage to life and property. At a minimum, the notification would have to include:

- the names of the dam and reservoir;
- the communities downstream that might be impacted and the estimated time of impact;
- the names of affected river basins and tributaries;
- the expected duration of the water release;
- the level of potential flooding according to the National Water Service River Forecast Center; and
- the roads or bridges expected to be affected.

The notification also would include a disclaimer that read: “Actual flood conditions may vary significantly from the alert based on new or changed conditions; advanced alerts of changed conditions may not be possible.”

A notification required under the bill could not be considered an admission of liability or used as evidence in any suit related to the water releases.

TCEQ would be required to provide guidance for developing a notification plan through a dam owner’s emergency action plan no later than January 1, 2020.

A dam would have to deliver the required notification plan to the TCEQ no later than June 1, 2020.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSHB 26 would establish a process for providing prompt notice of water releases that could cause flooding to any potentially impacted downstream communities. This would better protect the public in the case of a potential flood event.

In the aftermath of Hurricane Harvey, there was a clear need for a

comprehensive system for notifying residents who lived downstream from a gate-operated dam about when a release would occur and the potential impact of a release. CSHB 26 would ensure that effective and adequate notice was provided to Texas citizens who could be impacted by a necessary release of water from a dam, helping to save lives and property in the event of resulting flooding.

CSHB 26 would require dam owners and operators to work with local offices of emergency management in order to provide the notice, ensuring no undue burden was placed on dam operators. The bill also would make it clear that a warning sent out under its requirements would not constitute an admission of liability. This would help ensure that dam owners and operators did not hesitate to provide the required warning out of fear of the legal ramifications.

OPPONENTS
SAY:

No concerns identified.

SUBJECT: Increasing penalties for arson, certain thefts committed in a disaster area

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Collier, K. Bell, J. González, Hunter, P. King, Moody, Murr,
Pacheco

0 nays

1 absent — Zedler

WITNESSES: For — Darvin Lynn Pearce, Aransas Pass Police Department; Robert Parker, Baytown Police Department; Caleb Breshears, Victoria Police Department; (*Registered, but did not testify*: Frederick Frazier, Dallas Police Association, State FOP; Jose Carlos Gonzalez, Gonzalez & Associates Homeland Security; Shanna Igo, Texas Municipal League; Noel Johnson, TMPA; Anthony Kivela)

Against — None

On — Shannon Edmonds, Texas District and County Attorneys Association

BACKGROUND: Under Penal Code sec. 12.50, punishments for certain crimes are increased to the next higher punishment category if an offense was committed in a declared disaster area or an area subject to an emergency evacuation. To qualify as a disaster area, the U.S. president, Texas governor, or head of a city or county must make a disaster declaration.

The increased penalties apply to assault, robbery, burglary, and theft. If an offense for assault or theft is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000), the minimum jail term is increased to 180 days. If an offense for burglary or theft were punished as a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000), it cannot be increased under these provisions.

DIGEST: CSHB 1028 would add arson, burglary of coin-operated or coin collection machines, and burglary of vehicles to the list of crimes that carry higher penalties if committed during a state of disaster or an emergency evacuation. If arson was punished as a first-degree felony, the punishment would not be increased.

The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date.

SUPPORTERS SAY: CSHB 1028 would help deter looting and arson during hurricanes and other disasters and would give law enforcement authorities another tool to appropriately punish those who take advantage of emergencies by committing these crimes. While the current Penal Code does not have a separate crime for looting, it recognizes that assault, robbery, burglary, and theft committed during a disaster or evacuation are more serious than when they are committed during other times, considering the vulnerability of individuals, the necessity of keeping order, and the increased demand on law enforcement. Arson and stealing from coin-operated machines and vehicles are similar crimes that also warrant increased penalties if committed while society is facing these types of challenges. HB 1028 would help keep Texans and their property safe during disasters and evacuations and could help alleviate fears of residents who may not want to evacuate out of fear that their homes or businesses may be harmed.

OPPONENTS SAY: CSHB 1028 is unnecessary because current law contains adequate penalties for arson and burglary of coin-operated machines and vehicles. Penalties for arson range from a state jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) to a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000). Burglary of coin-operated machines is a class A misdemeanor, which can mean up to a year in jail, and most vehicle burglaries range from a class A misdemeanor to a state jail felony. The bill might not be an effective deterrent, as crimes committed during disasters and evacuations may not be planned or well thought out.

SUBJECT: Allowing first responders to access own immunization history in disasters

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — S. Thompson, Wray, Coleman, Frank, Guerra, Lucio, Price,
Sheffield, Zedler

0 nays

2 absent — Allison, Ortega

WITNESSES: For — Ray Callas, Texas Medical Association, Texas Public Health Coalition; (*Registered, but did not testify*: Joel Romo, Association of Texas EMS Professionals; Aimee Bertrand, Harris County Commissioners Court; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Mike Wisko, Texas Fire Chiefs Association; Sara Gonzalez, Texas Hospital Association; Rekha Lakshmanan, The Immunization Partnership)

Against — None

On — (*Registered, but did not testify*: Imelda Garcia, Department of State Health Services)

BACKGROUND: Health and Safety Code sec. 161.00707 requires the Department of State Health Services to develop a program for informing first responders about the department's immunization registry and educating first responders about the benefits of being included in the registry, including ensuring first responders receive necessary immunizations to prevent the spread of communicable diseases to which they may be exposed during emergency situations and preventing duplication of vaccinations.

DIGEST: HB 1256 would require the Health and Human Services Commission (HHSC) to establish a process granting first responders direct access to the Department of State Health Services' immunization registry during a disaster for verification of a first responder's immunization history.

During the preparation for or response to a disaster, as declared by the

president of the United States, the governor of Texas, or the governor of another state, and with the first responder's electronic or written consent, the bill also would permit the first responder's employer or supervisor to access the registry under the process established by HHSC.

By January 1, 2020, the executive commissioner of HHSC would have to adopt rules to implement the bill's provisions.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

HB 1256 would ensure first responders had access to their immunization status during declared disasters, when first responders can be exposed to potentially serious or deadly communicable diseases. During Hurricane Harvey, many first responders found themselves unaware of their vaccination status. The lack of access to their immunization information delayed first responders' efforts in rendering aid and increased risks to their own and others' personal health and safety. The bill would establish necessary protocols to ensure timely access to first responders' immunization information, meeting the demands of disaster response and preventing similar confusion.

**OPPONENTS
SAY:**

No concerns identified.

SUBJECT: Creating a work group to enhance the training of emergency personnel

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — Donald A Loucks; (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Gabriela Villareal, Texas Conference of Urban Counties; Randy Cain, Texas Fire Chiefs Association)

Against — None

On — Nim Kidd, Texas Division of Emergency Management and Texas Emergency Management Council

BACKGROUND: Government Code sec. 418.005 requires certain elected officials to complete a training course regarding state and local governments' emergency management responsibilities.

DIGEST: CSHB 2305 would require the Texas Division of Emergency Management to create a work group made up of emergency management experts to study and develop a proposal for enhancing the training and credentialing of state and local emergency management personnel.

The bill would require the work group to consider:

- whether the differences in geography, population, and critical infrastructure between emergency management directors' or coordinators' jurisdictions warranted different levels of training and credentialing;
- whether the Legislature should enact laws that would require emergency management directors or coordinators to participate in

emergency management training and credentialing before overseeing the response to and recovery from a disaster;

- whether the training should include information on disaster finance, damage assessment, disaster contracting, debris management, and skills needed to participate in federal emergency management programs;
- whether to implement incentives for emergency management personnel to complete additional training and continuing education;
- proposals for paying for training for emergency management directors and coordinators that was more rigorous than the training required for them by law as of the bill's effective date.

CSHB 2305 would require the work group to assess the training and credentials necessary for emergency management personnel to effectively oversee the response to and recovery from a disaster. The work group would be required to consult with institutions of higher education on the development of degree programs in emergency management.

The work group would have to submit the proposal to the Legislature and the governor by November 1, 2020. The work group would be abolished January 1, 2021.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSHB 2305 would strengthen Texas' response to emergencies by establishing a work group to propose a training framework for emergency personnel that could be implemented in communities across the state.

Although the state already offers courses in emergency management training, CSHB 2305 could increase the thoroughness of current offerings based on recommendations by the Governor's Commission to Rebuild Texas. The majority of current coursework on emergency management focuses on response, rather than recovery. The bill would strengthen the training by requiring the study group to consider courses that may aid in recovery, such as disaster finance or debris management. Additionally, the bill would require the work group to consider whether it would be necessary for the Legislature to enact laws requiring the training and

credentialing.

The bill would ensure that the proposal for enhancing the training and credentialing of emergency management personnel was applicable to all regions of the state by requiring the work group to consider differences in geography, population, and critical infrastructure. The bill would require the group to determine if those factors warranted different levels of training and credentialing.

**OPPONENTS
SAY:**

CSHB 2305 could unnecessarily burden existing emergency management personnel by developing a framework that might require them to take unnecessary training. Certain local governments have developed sophisticated response and recovery functions, and requiring courses that may not increase the quality of certain local governments' management response could discourage some personnel from serving as emergency management leaders. Also, different regions of the state face different hurdles when responding to and recovering from different emergency events, so in addition to having the work group assess different geographies and populations, ensuring regional and professional diversity of the work group would be important.

SUBJECT: Identifying certain flood-damaged vehicles

COMMITTEE: Transportation — favorable, without amendment

VOTE: 9 ayes — Canales, Landgraf, Bernal, Y. Davis, Goldman, Hefner, Leman, Ortega, Raney

0 nays

4 absent — Krause, Martinez, Thierry, E. Thompson

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Jeremiah Kuntz, Texas Department of Motor Vehicles)

BACKGROUND: Transportation Code sec. 501.09112 governs titles for nonrepairable and salvaged vehicles. A salvage title or record of title for a vehicle that is a salvage vehicle because of flood damage must bear appropriate notation. The owner of a vehicle whose title indicates that it is a salvage vehicle due to flood damage may sell, transfer, or release the vehicle only as provided by law.

DIGEST: HB 2310 would require the Texas Department of Motor Vehicles and the Texas Division of Emergency Management to coordinate with the Federal Emergency Management Agency (FEMA) to ensure the department had information, including a vehicle identification number, necessary to apply required notation to the salvage title of a vehicle that:

- had been damaged exclusively by flood; and
- had been repaired or salvaged using financial assistance administered by FEMA.

This bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

HB 2310 would ensure coordination between the Texas Department of Emergency Management, the Federal Emergency Management Agency (FEMA) and the Texas Department of Motor Vehicles (TxDMV) to capture vehicle identification numbers (VIN) of flood-damaged vehicles so that the titles of those vehicles could receive the proper notation. This title notation is necessary so subsequent buyers of a vehicle know that it was flooded. This would address a problem that arose in the aftermath of Hurricane Harvey in which FEMA did not collect the VIN from Texans to whom it provided assistance for flood-damaged vehicles. This impeded the ability of the TxDMV to attach the required notation to the title of those vehicles.

**OPPONENTS
SAY:**

No concerns identified.

SUBJECT: Requiring the automatic issuance of natural disaster housing titles

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt
0 nays

WITNESSES: For — (*Registered, but did not testify*: Kay Roach, Town of Woodsboro, Refugio County Texas)

Against — None

On — Joe Garcia, Texas Department of Housing and Community Affairs-Manufactured Housing Division; (*Registered, but did not testify*: Clint Thompson, Texas Department of Motor Vehicles)

DIGEST: HB 2315 would establish guidelines for the automatic issuance of statements of ownership and titles for manufactured homes and travel trailers used as temporary housing during natural disasters or other declared emergencies.

Manufactured homes. The bill would require the Texas Department of Housing and Community Affairs to adopt rules for the application and automatic issuance of statements of ownership of manufactured homes purchased by federal governmental agencies and used to provide temporary housing during emergencies. Such homes would be exempt from certain statutory provisions related to manufactured home statements of ownership and manufacturers' certificates.

Travel trailers. HB 2315 would require the Texas Department of Motor Vehicles to establish a process to automatically issue a title to a government agency for a travel trailer used to provide temporary housing during emergencies. The automatic issuance of the title would apply to travel trailers owned or operated by the United States or transferred to a state agency from the United States.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

HB 2315 would close a gap in the titling process of temporary housing transferred from the Federal Emergency Management Association (FEMA) to state agencies by issuing titles and statements of ownership automatically. To accommodate those displaced by a disaster, FEMA purchases travel trailers for temporary housing units that are exempt from titling requirements under federal law. When FEMA transfers the trailers to state agencies, the state agencies must secure a valid title, which is difficult since there is no owner of record.

The bill also would provide proper titling for trailers used as temporary housing so the state could issue license plates that were exempt from fees.

**OPPONENTS
SAY:**

No concerns identified.

SUBJECT: Improving emergency management services during and after a disaster

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — (*Registered, but did not testify*: Bill Kelly and Jamaal Smith, City of Houston Mayor's Office; CJ Grisham)

Against — None

DIGEST: CSHB 2320 would require the Texas Division of Emergency Management (TDEM) to collaborate with state and local agencies and public and private entities to create plans for improving emergency services during and after a disaster.

Telecommunications. The bill would require TDEM, as practicable and in collaboration with entities of the division's choosing, to include private wireless communication, Internet, and cable service providers in the disaster planning process. It would require the division to determine the availability of the providers' portable satellite communications equipment and portable mobile telephone towers to assist in response and recovery immediately following disasters.

Critical infrastructure. The bill would require TDEM to identify methods for hardening utility facilities and critical infrastructure, including hospitals and fire stations, in order to maintain essential services during disasters.

The division, in collaboration with the Texas Commission on Environmental Quality, the Railroad Commission of Texas, and any other state agencies chosen by the division, would be required to determine methods for effectively reducing risks and impacts on facilities and

critical infrastructure from disaster.

These agencies would be required to encourage public and private entities that are responsible for utility facilities and critical infrastructure to implement the methods determined effective by TDEM. A utility facility owned or controlled by a utility regulated by the Public Utility Commission (PUC) would be exempt from these requirements.

Trade services. The bill would require TDEM, no later than November 1, 2020, to submit a report to members of the Legislature on improving the oversight, accountability, and availability of building trade services following natural disasters. In preparing the report, TDEM would have to consult with the Texas Department of Licensing and Regulation and any other state agencies selected by the division, local governments, trade associations, and law enforcement groups. The report would include:

- strategies to increase the availability of tradespeople, including plumbers and electricians, following a disaster;
- approaches to increase prosecutions of alleged fraud related to building trade services offered following a disaster; and
- methods to encourage performance bond requirements in contracts for building trade services to be performed following a disaster.

This provision would expire January 1, 2021.

Disaster billing awareness. CSHB 2320 would require TDEM, in cooperation with PUC, to promote public awareness of bill payment assistance available during a disaster for electric, water, and wastewater services, including assistance for consumers on level billing plans. The two entities would be charged with providing the public with information about billing practices during a disaster to ensure that consumers of these services had an adequate understanding of their rights. The public awareness campaign would begin by December 1, 2019.

The bill would take effect September 1, 2019.

SUPPORTERS
SAY:

CSHB 2320 would implement four recommendations from the Governor's Commission to Rebuild Texas to coordinate communications quickly and

effectively during a disaster, improve the infrastructure of public services, reduce fraudulent business practices in the wake of a disaster, and increase awareness regarding utility bill payment relief programs.

Cultivating relationships with private-sector mobile phone, Internet, and cable services would allow the Texas Division of Emergency Management (TDEM) to collaboratively develop plans of action to ensure that critical communications infrastructure remained operable immediately following a disaster. Other critical infrastructure protected by the bill would include hospitals, fire stations, power plants, and water treatment plants. Developing strategies to strengthen the physical structure of these facilities would be a major step toward adequately preparing the state against the impact of future disasters.

CSHB 2320 would help protect the public from fraudulent business practices in the building trades following a disaster. In the wake of Hurricane Harvey, the lack of qualified plumbers, electricians, and other tradespeople created a fertile environment for scams. Working to increase fraud prosecution would benefit smaller communities that often lack the resources necessary to investigate and prosecute such crimes.

Requiring the Public Utility Commission and TDEM to promote awareness regarding utility bill payment assistance programs would help customers who experienced electric, water, or wastewater outages save money on services they did not receive. Clearly communicated information would help disaster survivors take advantage of these benefits and ease their financial situation in the wake of a disaster.

OPPONENTS
SAY:

No concerns identified.

SUBJECT: Standardizing emergency communications during and after a disaster

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — Rhonda Sepulveda, Catholic Charities of the Archdiocese of Galveston-Houston; (*Registered, but did not testify*: Amanda Fredriksen, AARP; Michael Barba, Texas Catholic Conference of Bishops; Dan Finch, Texas Medical Association; Bryan Hebert, United Ways of Texas; CJ Grisham)

Against — None

On — Nim Kidd, Texas Division of Emergency Management and the Emergency Management Council; (*Registered, but did not testify*: Aimee Bertrand, Harris County Commissioners Court; Chris Adams, Health and Human Services Commission)

DIGEST: CSHB 2325 would require the Texas Division of Emergency Management (TDEM) to develop standards and applications to improve and standardize official digital communication during disaster response.

Standards for social media use. CSHB 2325 would require TDEM to consult with appropriate state agencies or private entities to develop standards for the use of social media as a communication tool by governmental entities during and after a disaster. These standards would:

- require state agencies, political subdivisions, first responders, and volunteers that use social media during and after a disaster to post consistent and clear information;
- optimize the effectiveness of social media use during and after a disaster; and

- require certain official social media accounts be used during and after a disaster only for providing credible sources of information.

911 text messages. TDEM, in consultation with the Texas A&M AgriLife Extension Service, would be required to coordinate state and local governments' efforts to make 911 emergency services capable of receiving text messages from wireless communication devices.

Mobile application. TDEM would develop a mobile application to communicate critical information during a disaster directly to disaster victims and first responders. The mobile application could provide information on road and weather conditions during a disaster and disaster response and recovery activities.

Disaster web portal. TDEM would develop a comprehensive disaster web portal. This portal would:

- provide disaster information to the public, including information on programs and services available to disaster victims and funding for disaster assistance programs;
- include information on disaster response and recovery activities; and
- provide information on obtaining assistance from the Federal Emergency Management Agency, state agencies, organized volunteer groups, and any other entities providing disaster assistance.

Data analytics. To the extent feasible, TDEM would use data analytics software to integrate data from federal, state, local, and nongovernmental sources to more effectively manage disaster response and recovery.

Study on standard communication format. TDEM would conduct a study on the use of a standard communication format by first responders to create a common interoperable operating framework during a disaster.

The study would:

- examine the costs and benefits of promoting the use of a standard communication format;
- identify any equipment costs first responders could incur in complying with a standard format; and
- identify necessary actions to adopt a standard communication format.

TDEM would be required to issue a report on the study's findings to the governor, lieutenant governor, and members of the Legislature by September 1, 2020. Provisions relating to this study would expire on December 1, 2020.

Community outreach. To the extent practicable, the following entities would be required to conduct community outreach, including public awareness campaigns, and education activities on disaster preparedness each year:

- municipalities and counties;
- the Department of Public Safety (DPS), including TDEM;
- the Texas Education Agency;
- the office of the comptroller;
- the Texas Department of Insurance;
- the Texas Department of Transportation;
- the Texas Department of Housing and Community Affairs;
- the Health and Human Services Commission; and
- the Department of State Health Services.

Emergency registry plans. CSHB 2325 would require a political subdivision's emergency management director to develop a plan to use information from TDEM's emergency assistance registry during disaster response. The director would publish the plan on the political subdivision's website and on TDEM's site.

TDEM would develop a process by which a plan developed by a director could be published on the DPS website and designate an area of the website where the public could view such plans.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSHB 2325 would improve disaster response by standardizing communications and ensuring that the most accurate and up-to-date information was sent out during and after disasters. The bill also would address the lack of clarity concerning the purpose of the State of Texas Emergency Alert Registry by requiring local officials to create plans to use the registry during a disaster response.

Effective communication during a disaster is critical for disaster response efforts. However, current law insufficiently addresses the requirements for disaster-related communications. CSHB 2325 would standardize these communications and enable state agencies, first responders, political subdivisions, non-profits, and volunteers to share information with the public during and after disasters.

Standardizing communications across the state is critical to ensuring the public receives accurate information during and after a disaster. The bill would ensure local governments distributed consistent advice and information to citizens in order to avoid confusion. The bill would also go further than the existing emergency alert systems managed by the federal government, which are general and do not provide the same level of specificity that the Texas Department of Emergency Management and local authorities could provide to Texas citizens.

The bill would leverage existing resources to standardize disaster communications across statewide agencies and local governments, resulting in no cost to the state.

**OPPONENTS
SAY:**

The bill could infringe on the ability of local governments and emergency response units to use discretion in disseminating information to the public. Local governments should have flexibility to address the needs of individual communities during and after disasters. CSHB 2325 could limit their ability to respond appropriately by imposing top-down standards. Requiring use of a designated social media account for disaster information could undermine existing social media outreach by local governments.

CSHB 2325 could duplicate existing emergency alert systems. The Federal Emergency Management Agency already maintains the Integrated Public Alert and Warning System, available for use by states and local governments. The Federal Communications Commission also maintains the Wireless Emergency Alert system. Both systems can provide information to the public on disaster conditions, making a state-specific alert system redundant.

The bill also would mandate creation of a mobile application that could require costly maintenance and updates by the state. To avoid this, the bill should require the state to use a mobile application or platform currently in existence that did not potentially require state funds to operate in the future.

SUBJECT: Studying feasibility of state disaster recovery case management system

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — (*Registered, but did not testify*: Aurora Flores, Texas Association of Counties; Kay Roach, Town of Woodsboro, Refugio County, Texas; CJ Grisham)

Against — None

On — (*Registered, but did not testify*: Chris Adams, Health and Human Services Commission)

DIGEST: HB 2330 would require the Health and Human Services Commission (HHSC) and the Texas Division of Emergency Management (TDEM) to study the feasibility of creating a state case management program and streamlined intake system for state and federal disaster assistance.

HHSC and TDEM would be required to determine the feasibility of developing:

- a single intake form that would compile all information needed to obtain disaster assistance from multiple state and federal programs for an individual who needed assistance;
- an automated intake system for collecting the information; and
- a state case management system for disaster assistance, administered by the commission, that was similar to the Federal Emergency Management Agency (FEMA) case management system and included contracting with nonprofit vendors to hire caseworkers and provide case management services.

HHSC and TDEM would coordinate with FEMA and other appropriate

state and federal agencies to conduct the study and determine whether FEMA would accept the single intake form, the cost of developing the form and maintaining the automated intake system, and the cost of maintaining a state case management system and the extent to which federal reimbursement was available.

HHSC and TDEM would be required to prepare and submit a written report to the Legislature containing the findings of the study and any recommendations by September 1, 2020. HHSC and TDEM could implement the single intake form, automated intake system, and state case management system if the study determined that doing so would result in no additional cost to the state.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019. It would expire January 1, 2021.

**SUPPORTERS
SAY:**

HB 2330 would investigate the feasibility of creating a state disaster relief case management system administered by the Health and Human Services Commission (HHSC), which could help HHSC and the Texas Division of Emergency Management (TDEM) cooperate with the federal government in expediting disaster recovery.

Time is of the essence in disaster recovery efforts. After Hurricane Harvey, many state and local officials expressed the need for better case management services to help those affected navigate the requirements for private and governmental recovery assistance. While many organizations indicate that they offer case management services after disasters in Texas, the level of service varies considerably, and no Texas state agencies or entities offer disaster case management. The Federal Emergency Management Agency (FEMA) offers a structured case management program, but the rollout of these services after a major disaster often is frustratingly slow and poses a serious obstacle to disaster recovery efforts. In the case of Hurricane Harvey, it took about nine months after the storm's landfall until services offered through the FEMA disaster case management program were available.

Accordingly, HHSC and TDEM should determine the feasibility of

creating a state-administered case management program and potential reimbursement by the federal government. The cost and advisability of HHSC administering a state case management system would depend on the reimbursement determination.

Disaster survivors currently fill out many different forms to apply for services such as case management and financial assistance. HHSC should work with TDEM and the state's federal partners to determine the feasibility of developing a single intake form and an automated intake system. HHSC and TDEM would need to ensure FEMA and any other involved entities would accept such a form. The cost of development would be a determining factor in the decision whether to go forward with the form.

OPPONENTS
SAY:

No concerns identified.

SUBJECT: Establishing a list of potential D-SNAP application centers

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — Celia Cole, Feeding Texas; (*Registered, but did not testify*: Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Alissa Sughrue, National Alliance on Mental Illness-Texas; Gabriela Villareal, Texas Conference of Urban Counties; Deece Eckstein, Travis County Commissioners Court)

Against — (*Registered, but did not testify*: CJ Grisham)

On — (*Registered, but did not testify*: Chris Adams and Wayne Salter, Health and Human Services Commission)

BACKGROUND: Human Resources Code ch. 33 subch. A governs the operation and distribution of the federal supplemental nutrition assistance program (SNAP).

7 U.S.C. sec. 2014(h) establishes temporary emergency standards for SNAP eligibility for households who are victims of a disaster.

DIGEST: HB 2335 would require the Health and Human Services Commission (HHSC) to collaborate with county judges to evaluate, develop, and maintain a list of potential sites that met federal in-person application requirements for supplemental nutrition assistance program benefits for disaster victims (D-SNAP). The list would be updated annually.

The bill also would require HHSC to assess the feasibility of accepting D-SNAP benefits applications online and by telephone and of staffing a high-volume call center to process those applications. This provision would be subject to the receipt of any necessary federal waivers.

As soon as practicable after the bill's effective date, HHSC would consult with federal officials about repealing the in-person application requirement for D-SNAP benefits and to develop and seek authorization from the U.S. secretary of agriculture to allow online and telephone application submissions for D-SNAP.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

**SUPPORTERS
SAY:**

HB 2335 would better prepare the state to provide needed food assistance to low-income Texans who experienced significant losses as a result of a natural disaster.

After Hurricane Harvey, the Health and Human Services Commission (HHSC) faced difficulties finding sites that met federal requirements for the supplemental nutrition assistance program for disaster victims (D-SNAP) in-person application process. As a result, applicants faced long lines at application centers, and stakeholders expressed frustration with the struggle to find sufficiently large locations for those centers in a short period of time.

HB 2335 would require HHSC to work with local authorities to develop an inventory of appropriate D-SNAP in-person application sites, which would allow for logistical issues to be resolved before a disaster occurred. The bill also would require the state to explore the possibility of obtaining a waiver from the federal government so that D-SNAP applications could be accepted online and over the phone, reducing logistical difficulties and administrative costs involved in establishing secure, accessible on-site application centers.

Because current federal law requires potential D-SNAP recipients to apply in person for authentication purposes, creating a pre-registration system for potential recipients in disaster zones would be ineffective and redundant. Housing pre-registration data would require infrastructure HHSC does not have and would not significantly improve efficiency due to contradictory federal requirements.

D-SNAP is not designed to provide immediate relief to families upon evacuation, but rather to assist people moving back into their homes after a disaster to restock after significant losses. While prioritizing care for evacuees in the immediate aftermath of a disaster is important, it is not the role of D-SNAP.

**OPPONENTS
SAY:**

HB 2335 should include a pre-registration process for people living in disaster areas to ensure more efficient enrollment when a disaster occurred. The bill also should include a provision that would prioritize evacuees in shelters for D-SNAP enrollment. Evacuees are generally the most impacted by the disaster and need the most assistance to recover fully.

SUBJECT: Establishing an institute and study committee to plan for disaster events

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — Wes Birdwell, Texas Floodplain Management Association; (*Registered, but did not testify*: Tom Oney, Lower Colorado River Authority; Monty Wynn, Texas Municipal League; Kay Roach, Town of Woodsboro, Refugio County; CJ Grisham)

Against — None

On — Henry Van de Putte III, American Red Cross; Sam Brody, Texas A&M University; (*Registered, but did not testify*: John Dupnik and Sam Marie Hermitte, Texas Water Development Board)

DIGEST: CSHB 2345 would establish the Institute for a Disaster Resilient Texas and a Flood Event Partnership Options Special Study Committee to analyze certain disaster-preparedness issues.

Institute for a Disaster Resilient Texas. The bill would establish the Institute for a Disaster Resilient Texas as a component of Texas A&M University under the management and direction of the Texas A&M University System's board of directors. The institute would collaborate with state and local government entities to:

- develop data analytics tools to support disaster planning, mitigation, response, and recovery;
- create and maintain online tools to communicate disaster risks, including tools that work on the level of individual parcels of land;
- provide information and solutions to aid in the formation of state and local partnerships to promote disaster resilience;

- collect, display, and communicate flood-related information, including updated inundation maps, for use by the public; and
- study and test ideas for flood planning and mitigation.

The institute could employ personnel, including experts in planning, engineering, hydrology, ecology, and economics, and could accept gifts or grants from any public or private source.

CSHB 2345 would require the Texas Water Development Board to coordinate with the institute created by this bill and to create an inventory of flood mitigation and resiliency projects and develop a method of prioritizing those projects.

Flood Event Partnership Options Special Study Committee. The bill also would establish a Flood Event Partnership Options Special Study Committee consisting of nine persons appointed by the governor to represent various stakeholder groups. The study committee would be required to conduct a study on state-local partnerships to address flooding events in the state. The study would identify state and local entities interested in and capable of participating in such partnerships and the appropriate structure for these partnerships. The study also would address flood planning at the watershed level, possible negative effects that flood-prevention efforts in one local area might have on another area, and other topics for research and consideration.

CSHB 2345 would require the Texas A&M University System to support the committee with assistance, necessary support staff, and facilities to conduct meetings.

The members of the committee would be appointed by the governor by October 1, 2019. The committee's report would be due to the governor and the Legislature by December 1, 2020. The committee would be abolished May 1, 2021.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS
SAY:

CSHB 2345 would help address the need to better understand and communicate disaster risks to Texas communities, plan for disaster events, and take steps to mitigate them. It would do this by establishing the Institute for a Disaster Resilient Texas and the Flood Event Partnership Options Special Study Committee and by requiring a flood mitigation project inventory from the Texas Water Development Board.

Institute for a Disaster Resilient Texas. The bill would build on recommendations of the Governor's Commission to Rebuild Texas, which highlighted the importance of communicating risk to Texas communities and called for the creation of an institute within the Texas A&M University System to contribute to accomplishing this task. As established under the bill, the institute would help homeowners and businesses understand risks to their property through web-based analytical and visual tools to communicate flood risk. The institute also would serve as a venue for scientists, policymakers, and entrepreneurs to collaborate and learn and would produce data and technology to help inform public policy decisions.

Projects inventory. Under the bill, the Texas Water Development Board would create an inventory of flood mitigation and resiliency projects and a prioritization methodology, which would help to guide local, state, and federal decision makers.

Flood Event Partnership Options Special Study Committee. CSHB 2345 would enact another recommendation of the Governor's Commission by establishing the Flood Event Partnership Options Special Study Committee to study the possible structure, means of administration, and membership of state-local partnerships. While primary responsibility for designing and implementing flood mitigation projects should rest with local jurisdictions closest to the problem of flooding, state government also has a role as a representative of state interests that cross jurisdictional lines and as a source of assistance. The bill would help these stakeholders to collaborate effectively.

The bill would come with a minimal start-up cost to ramp up implementation at the Water Development Board and at Texas A&M, which would be expected to draw down \$5 million in federal funding for

the program.

OPPONENTS
SAY:

No concerns identified.

NOTES:

According to the Legislative Budget Board, the bill would have a negative fiscal impact of \$161,054 on general revenue related funds through the biennium ending August 31, 2021.

SUBJECT: Purchase of food and beverages for certain staff responding to emergencies

COMMITTEE: Transportation — favorable, without amendment

VOTE: 11 ayes — Canales, Landgraf, Bernal, Goldman, Hefner, Krause, Leman,
Ortega, Raney, Thierry, E. Thompson

0 nays

2 absent — Y. Davis, Martinez

WITNESSES: For — (*Registered, but did not testify*: Karen Rove, AGC of Texas
Highway Heavy; Aimee Bertrand, Harris County Commissioners Court;
Russell Schaffner, Tarrant County)

Against — None

On — (*Registered, but did not testify*: Michael Lee, Texas Department of
Transportation)

DIGEST: HB 2708 would give the Texas Department of Transportation (TxDOT)
the authority to use appropriated funds for purchasing food and beverages
for a department employee who was providing services in response to an
emergency situation, an incident that endangered the health or safety of a
person, or a disaster and was unable to leave the assignment area due to
the emergency.

The bill would take immediate effect if finally passed by a two-thirds
record vote of the membership of each house. Otherwise, it would take
effect September 1, 2019.

SUPPORTERS SAY: HB 2708 would allow the Texas Department of Transportation (TxDOT)
to purchase food and beverages for employees responding to an
emergency situation. Currently, TxDOT does not have explicit authority
to purchase these items unless the governor has declared an emergency
disaster, meaning pre-staged employees outside of the path of an
impending disaster may not legally have food or beverages provided to

them. A recommendation of the Governor's Commission to Rebuild Texas was to grant TxDOT the authority to pre-purchase and stockpile food and water for hurricane season.

OPPONENTS
SAY:

No concerns identified.

SUBJECT: Governing uses of contact information in emergency warning systems

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt
0 nays

WITNESSES: For — Ken DeMerchant, Fort Bend County (*Registered, but did not testify*: Brie Franco, City of Austin; Randy Cain, City of Dallas; Gabriela Villareal, Texas Conference of Urban Counties; Deece Eckstein, Travis County Commissioners Court)

Against — (*Registered, but did not testify*: Tammy Embrey, City of Corpus Christi)

On — (*Registered, but did not testify*: Sheri Gipson, Texas Department of Public Safety)

DIGEST: CSHB 3022 would establish a procedure by which a person could opt in to an emergency warning notification system for the city or county in which they reside.

The bill would require DPS to include space on each application for an original or renewal driver's license that allowed the applicant to indicate whether that person consented to participate in the emergency warning system operated by the person's political subdivision and to disclose the person's contact information to the same political subdivision.

It would require DPS to share the person's contact information, including a telephone number, mobile telephone number or e-mail address, with the political subdivision if the person consented and if the political subdivision operated an emergency warning system and had contracted with the department for the disclosure of contact information.

CSHB 3022 would prohibit the municipality or county from using or disclosing contact information for any purpose other than enrolling a person in an emergency warning system and issuing warnings to the person through the system.

The bill would allow a person who participated in a political subdivision's early warning system to request removal from that system by submitting a written request for removal to that political subdivision. The political subdivision would have to remove the participant's contact information from the system and cease issuing emergency warnings to that person on receipt of such a request.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSHB 3022 would grant cities and counties access to their residents' contact information so that people could be kept informed in the event of a natural disaster or other emergency. The bill contains protections to ensure that individuals would have ultimate control over their information.

Hurricane Harvey exposed limitations in the emergency warning systems used by many cities and counties in Texas. People frequently received information that was incorrect, was no longer timely, or was inapplicable to them. Emergency warning systems can tailor emergency messages to the needs of specific individuals, but cities and counties that have installed such systems need to know where to send these messages. Political subdivisions have few avenues to obtain this information, just as individuals have few opportunities to participate in an early warning system. By linking the application of a driver's license to the collection of information for an early warning system, CSHB 3022 would provide cities, counties and individuals with the tools necessary to keep people informed during emergency situations.

The bill would allow individuals to retain complete control over their information. The process of applying for or renewing a driver's license would allow them to choose whether to share their information for the purposes of the emergency warning system program, and they could remove their information from the rolls at any time.

The bill would not require political subdivisions to have an emergency warning system, nor would it contain any provisions for state funds. As a result, the bill would represent neither an unfunded mandate nor a burden on the state.

CSHB 3022 would help cities and counties obtain the information necessary to keep people safe during difficult and chaotic situations.

OPPONENTS
SAY:

No concerns identified.

SUBJECT: Relating to emergency and disaster management, response, and recovery

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — (*Registered, but did not testify*: Tammy Embrey, City of Corpus Christi; Michael Barba, Texas Catholic Conference of Bishops; Monty Wynn, Texas Municipal League; Donnis Baggett, Texas Press Association; Kay Roach, Town of Woodsboro and Refugio County, Texas; CJ Grisham)

Against — None

DIGEST: CSHB 2340 would establish an unmanned aircraft study group and an information sharing work group and provide for the study of federal laws and policies related to disaster response.

Unmanned aircraft study group. The bill would establish a study group to examine issues related to the appropriate use of unmanned aircraft in responding to and recovering from a disaster, including:

- strategies for coordinating and promoting the use of unmanned aircraft among state, local, and private entities in the response and recovery; and
- recommended changes to state law that would allow entities to more effectively use unmanned aircraft in the response and recovery.

The group would submit recommendations on the issues to the Legislature by November 1, 2020, and would be abolished on January 1, 2021.

The Texas Division of Emergency Management (TDEM) chief would

appoint the members of the study group, which would include representatives from TDEM and institutions of higher education as well as other appropriate persons.

Information sharing work group. The bill would require TDEM to establish a work group of state agencies involved in disaster management. The work group would develop recommendations for improving the way electronic information was stored and shared among state agencies and between state and federal agencies to improve agencies' capacities to respond and coordinate responses to a disaster.

The group would submit its recommendations to the governor by November 1 of each even-numbered year.

The TDEM chief would appoint the members of the work group, which would include representatives from the comptroller's office, the Department of State Health Services, the Texas Department of Transportation, the General Land Office, the Health and Human Services Commission, institutions of higher education, and appropriate federal agencies.

Federal legislative and policy recommendations regarding disaster assistance. The bill would require the Office of State-Federal Relations, in consultation with TDEM, federal agencies, and members of Congress, to study federal laws and policies related to the ability of federal agencies, state agencies, and local governments to cooperate in responding to a disaster, including issues related to procurement, housing assistance, information sharing, personnel, and federal disaster assistance programs.

The Office of State-Federal Relations would make recommendations to improve federal laws and policies related to these issues to the Office of State-Federal Relations Advisory Policy Board by November 1, 2020. Related provisions of the bill would expire January 1, 2021.

Adopting goals of FEMA strategic plan. The bill would add to the purposes of the Texas Disaster Act (Government Code ch. 418) to encourage state agencies, local governments, nongovernmental organizations, private entities, and individuals to adopt from the Federal

Emergency Management Agency strategic plan the goals that emphasized cooperation among federal and state agencies, local governments, nongovernmental organizations, private entities, and individuals in each project to ensure that the state was prepared to effectively respond to and recover from a disaster.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSHB 2340 would implement several recommendations from the Governor's Commission to Rebuild Texas, allowing the state to be better prepared to withstand future disasters.

Unmanned aircraft study group. Drones played an important role for emergency responders, insurance companies, state government agencies, private industries, and others in the immediate aftermath of Hurricane Harvey. To ensure the effective use of drones in future disasters, stakeholders should examine appropriate uses of drones in disasters, how to coordinate and promote their use, and applicable state laws and regulations.

Information sharing work group. In responding to the hurricane, state and federal agencies were challenged by the quality of available data to support disaster-related programs and the ability of agencies to share that information. The problems stemmed from incompatible data sets, privacy issues, and other matters. It is important that these issues are identified and addressed before the next disaster, and the bill would provide for a formal venue to cooperatively examine secure data infrastructure and data sharing protocols.

Federal legislative and policy recommendations regarding disaster assistance. The bill would reduce red tape and improve the effectiveness of response and recovery efforts at all levels. The federal-state partnership under the bill could improve and streamline federal laws and policies related to procurement, housing assistance, data sharing, staffing issues, and federal disaster assistance programs.

Adopting goals of FEMA strategic plan. Texas should embrace the tenets of the Federal Emergency Management Agency's strategic plan,

especially as it pertains to cooperation among federal agencies, state and local governments, nongovernmental organizations, the private sector, and citizens. In doing so, agencies at all levels of government could share lessons learned during disasters and use collective resources to improve disaster response and recovery and be better able to deal with any future disasters.

OPPONENTS
SAY:

No concerns identified.

SUBJECT: Amending the Texas Constitution to create the Flood Infrastructure Fund

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 10 ayes — Larson, Metcalf, Dominguez, Farrar, Harris, T. King, Lang,
Nevárez, Oliverson, Ramos

0 nays

1 absent — Price

WITNESSES: None

DIGEST: HJR 4 would amend the Texas Constitution to create the Flood Infrastructure Fund as a special fund in the state treasury outside the general revenue fund. As provided by general law, the fund could be administered and used by the Texas Water Development Board.

The fund could be used to provide financing for a drainage, flood mitigation, or flood control project, including:

- planning and design activities;
- work to obtain related regulatory approval; or
- construction of flood mitigation and drainage infrastructure.

Separate accounts could be established in the flood infrastructure fund.

The ballot proposal would be presented to voters at an election on November 5, 2019, and would read: "The constitutional amendment providing for the creation of the flood infrastructure fund to assist in the financing of drainage, flood mitigation, and flood control projects."

SUPPORTERS SAY: By creating the Flood Infrastructure Fund, HJR 4 would establish regional planning and coordination on flood mitigation projects to better provide for vital infrastructure in the state. A significant funding source is necessary to ensure cooperation among regions and all affected stakeholders and create a more resilient Texas.

The resolution, in combination with enabling legislation HB 13, would provide disbursement oversight for the fund. A local government could only access funds if it had fully cooperated with other entities in the region, held public meetings to accept comments from stakeholders, and completely engineered projects and scored them against one another.

Federal funds are available for flood projects after disastrous events, but counties and cities may not be able to put up the matching funds necessary to access that money. The infrastructure fund created by HJR 4 would provide loans at or below market rates to assist local governments with basic flood project planning, grant applications, and engineering of structural and nonstructural flood mitigation projects.

The appropriation provided in HB 13 would be a one-time expense for necessary flood infrastructure and would be made appropriately through the Economic Stabilization Fund. Infrastructure needs in the state must be met to prepare for future flood events.

OPPONENTS
SAY:

HJR 4, in combination with enabling legislation HB 13, would improperly use the Economic Stabilization Fund (ESF) for an appropriation to the Flood Infrastructure Fund. The ESF should only be used for disaster response or relief or for other one-time expenses. Since the infrastructure fund would be an ongoing state program, the money should come from general revenue.

NOTES:

HB 13 by Phelan, the enabling legislation for HJR 4, is set for second-reading consideration today on the Major State Calendar.